UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,230	10/25/2005	Norbert Stampfl	AT 030026	7950

24737   7590   06/24/2008

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
HOANG, SON T

ART UNIT	PAPER NUMBER
2165	

MAIL DATE	DELIVERY MODE
06/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/554,230	STAMPFL, NORBERT
	Examiner	Art Unit
	SON T. HOANG	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 June 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-20</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>07 January 2008</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on June 2, 2008 has been entered.

Response to Amendment

2.   **Claims 1-13**, and **17-19** have been amended.

Response to Arguments

3.   Applicant's arguments with respect to the claims have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

5.   **Claims 1**, **6-7**, and **12-20**, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Rosenberg et al. (*Pat. No. US 7,321,923, filed on March 18,*

2002; herein after Rosenberg) in view of Addington (*Pub. No. US 2003/0028893,*

filed on August 1, 2002).

Regarding **claim 1**, Rosenberg clearly shows and discloses a

method for automatically searching at least one information source

accessible through a data network for contents that are supplied by this

information source and satisfy at least one predefined criterion, which

contents comprise useful information and metadata that characterizes the

useful information, the information source changing the content supplied

by it under the control of control signals (*Figure 18*), the method

comprising the acts of:

selecting an information source (*Step S1808 of Figure 8*

shows the step of receiving a sound recording broadcast by a

music broadcaster),

receiving at least a part of the content supplied by the

information source selected, which part contains the metadata

(*Figure 18 shows in step 1808, device 202 receives a sound*

recording that is being broadcast by a music broadcaster (such as

music broadcaster 102) and plays the sound recording for user

110. Following step 1808, device 202 determines the identity of the

received sound recording (step 1810). In digital and analog audio

broadcasting systems it is possible to transmit meta-data along with

the sound recordings, [Column 23, Lines 19-26]);

analyzing the metadata in respect of the predefined criteria

and (*After step 1810 control passes to step 1820. In step 1820,*

device 202 determines whether the received sound recording is a

"needed" sound recording. A "needed" sound recording is a sound

recording that is not in the sound recording library 216 and that

matches an active profile 219 or is listed in an active wanted lists

215, [Column 23, Lines 34-43]),

if the criteria are satisfied, processing the useful information

received (*If the sound recording is needed or user 110 has*

indicated a preference for the sound recording, device 202 adds the

sound recording to the library 216. That is, in one embodiment,

device 202 performs steps 1822 and 1824. In step 1822, device

202 stores the sound recording in storage device 214, [Column 23,

Lines 56-61]),

for as long as the at least one predefined criterion is not

satisfied, generating a control signal and transmitting it to the

information source to change the content supplied by the

information source, and again receiving at least a part of the

content supplied by the information source, which part contains the

metadata, and analyzing the metadata in respect of the predefined

criteria (*Figure 18 shows that in step 1820 and 1821, the process*

go back to step 1808 in which a new recording broadcast by music

broadcaster is received. The process will carry out the steps of

determine records matching listener's criteria over again).

Addington discloses:

storing an arrived content as stored content while an

associated metadata associated with the arrived content is still

being analyzed, or while awaiting arrival of the associated metadata

(*if the pre-authored metadata is sent during or after the segment*

broadcast has started and the segment is being cached in a live

spool 210e at the headend, the segment is packaged from the live

spool 210e and sent to the personal video exchange server 210c,

[0034]), and

discarding the stored content if the associated metadata

indicates that the useful information of the stored content does not

satisfy the predefined criteria (*the asset provider 10 may provide*

stream metadata that modifies this first-in-first-out algorithm of the

live spool 210e. For example, an asset provider 10 can send an

instruction to the live spool 210e to save a portion of a broadcast

stream in the live spool 210e for a specified period of time. Thus,

the saved portion of the broadcast stream will not be deleted by the

live spool 210e when new content arrives, [0034]).

It would have been obvious to an ordinary person skilled in the art

at the time of the invention was made to incorporate the teachings of

Addington with the teachings of Rosenberg for the purpose of facilitating a

connection between the sever and the subscriber for distributing the

personal video asset from the server to the subscriber ([Abstract] of

Addington).

Regarding **claim 6**, Rosenberg further discloses the processing act

includes recording of the useful information on a data carrier (*If the sound*

recording is needed or user 110 has indicated a preference for the sound

recording, device 202 adds the sound recording to the library 216. That is,

in one embodiment, device 202 performs steps 1822 and 1824. In step

1822, device 202 stores the sound recording in storage device 214,

[Column 23, Lines 56-61]).

Regarding **claim 7**, Rosenberg clearly shows and discloses a

search arrangement for automatically searching at least one information

source accessible through a data network for contents that are supplied by

this information source and satisfy at least one predefined criterion, which

contents comprise useful information, and metadata that characterizes the

useful information, the information source changing the content supplied

by it under the control of a control signal (*Figures 1-2)*, which search

arrangement comprising:

receiving means (*Figure 2*) that are arranged to select a

connection to an information source and to receive useful

information and metadata from the information source selected

(*Figure 18 shows in step 1808, device 202 receives a sound*

recording that is being broadcast by a music broadcaster (such as

music broadcaster 102) and plays the sound recording for user

110. Following step 1808, device 202 determines the identity of the

received sound recording (step 1810). In digital and analog audio

broadcasting systems it is possible to transmit meta-data along with

the sound recordings, [Column 23, Lines 19-26]);

analyzing means (*Figure 2*) that are arranged to analyze the

metadata received in respect of the at least one predefined criterion

(*After step 1810 control passes to step 1820. In step 1820, device*

202 determines whether the received sound recording is a

"needed" sound recording. A "needed" sound recording is a sound

recording that is not in the sound recording library 216 and that

matches an active profile 219 or is listed in an active wanted lists

215, [Column 23, Lines 34-43]) and, if the criterion is not satisfied,

to generate and emit an activating signal that represents the non-

satisfaction (*Figure 18 shows that in step 1820 and 1821, the*

process go back to step 1808 in which a new recording broadcast

by music broadcaster is received. The process will carry out the

steps of determine records matching listener's criteria over again),

processing means (*Figure 2*) that are arranged to process

the useful information received (*If the sound recording is needed or*

user 110 has indicated a preference for the sound recording, device

202 adds the sound recording to the library 216. That is, in one

embodiment, device 202 performs steps 1822 and 1824. In step

1822, device 202 stores the sound recording in storage device 214,

[Column 23, Lines 56-61]);

control-signal generating means (*Figure 2*) that are arranged

to generate the control signal and transmit it to the information

source to change the contents supplied by the information source,

the control-signal generating means being so arranged that they

can be activated by the analyzing means with the help of the

activating signal (*Figure 18 shows that in step 1820 and 1821, the*

process go back to step 1808 in which a new recording broadcast

by music broadcaster is received. The process will carry out the

steps of determine records matching listener's criteria over again).

Addington discloses:

storing an arrived content as stored content while an

associated metadata associated with the arrived content is still

being analyzed, or while awaiting arrival of the associated metadata

(*if the pre-authored metadata is sent during or after the segment*

broadcast has started and the segment is being cached in a live

spool 210e at the headend, the segment is packaged from the live

spool 210e and sent to the personal video exchange server 210c,

[0034]), and

wherein the stored content is discarded if the associated

metadata indicates that the useful information of the stored content

does not satisfy the predefined criteria (*the asset provider 10 may*

provide stream metadata that modifies this first-in-first-out algorithm

of the live spool 210e. For example, an asset provider 10 can send

an instruction to the live spool 210e to save a portion of a broadcast

stream in the live spool 210e for a specified period of time. Thus,

the saved portion of the broadcast stream will not be deleted by the

live spool 210e when new content arrives, [0034]).

It would have been obvious to an ordinary person skilled in the art

at the time of the invention was made to incorporate the teachings of

Addington with the teachings of Rosenberg for the purpose of facilitating a

connection between the sever and the subscriber for distributing the

personal video asset from the server to the subscriber ([Abstract] of

Addington).

Regarding **claim 12**, Rosenberg further discloses input means for

input of criteria for the contents and/or for the input of information-source

addresses (*Figure 2*).

Regarding **claim 13**, Rosenberg further discloses the processing

means are connected to display means and/or audio reproduction means

and/or means for recording useful information (*Figure 2*).

Regarding **claim 14**, Rosenberg further discloses an arrangement

for processing useful information having a search arrangement as claimed

in **claim 7** (*Figures 1-2*).

Regarding **claim 15**, Rosenberg further discloses the information

source streams the received content (*Receiver 210 can be any device that

can receive a data stream. For example, it can be any one or a

combination of the following: a radio frequency (RF) receiver for receiving

data streams broadcast by radio waves, a cable-tv receiver for receiving

signals transmitted through an analog or digital cable-tv system, a satellite

receiver for receiving signals transmitted by satellite, a network receiver

for receiving data streams transmitted through a network (e.g., the

Internet), etc.,* [Column 5, Lines 23-35]).

Regarding **claim 16**, Rosenberg further discloses the information

source includes a plurality of contents that are organized in the form of

playlists (*music broadcaster 102 has three playlists 112, 114, and 116.

Each playlist is associated with one of the stations A, B, and C,* [Column 4,

Lines 15-19]).

Regarding **claim 17**, Rosenberg further discloses the information

source includes an Internet music server (*Additionally, broadcaster 102

may employ many networks and/or systems to broadcast music to

listeners 110. Such networks/systems include: satellite networks, cable*

television networks, the Internet, conventional radio towers, and other like

networks and systems, [Column 4, Lines 9-14]).

Regarding **claim 18**, Rosenberg further discloses the receiving

means receives multiple different streaming content that is concurrently

supplied by the information source (*music broadcaster 102 has three*

playlists 112, 114, and 116. Each playlist is associated with one of the

stations A, B, and C, [Column 4, Lines 15-19]).

Regarding **claim 19**, Rosenberg clearly shows and discloses a

method (*Figure 18*), including:

receiving both audio data and corresponding metadata

indicative of the audio data from an information source, wherein the

information source streams the audio data and the metadata

(*Figure 18 shows in step 1808, device 202 receives a sound*

recording that is being broadcast by a music broadcaster (such as

music broadcaster 102) and plays the sound recording for user

110. Following step 1808, device 202 determines the identity of the

received sound recording (step 1810). In digital and analog audio

broadcasting systems it is possible to transmit meta-data along with

the sound recordings, [Column 23, Lines 19-26]);

determining whether the metadata matches user specified

criteria (*After step 1810 control passes to step 1820. In step 1820,*

device 202 determines whether the received sound recording is a

"needed" sound recording. A "needed" sound recording is a sound recording that is not in the sound recording library 216 and that matches an active profile 219 or is listed in an active wanted lists 215, [Column 23, Lines 34-43]);

reproducing the audio data when the metadata matches the user specified criteria (*If the sound recording is needed or user 110 has indicated a preference for the sound recording, device 202 adds the sound recording to the library 216. That is, in one embodiment, device 202 performs steps 1822 and 1824. In step 1822, device 202 stores the sound recording in storage device 214*, [Column 23, Lines 56-61]);

transmitting a control signal to the information source when the metadata does not match the user specified criteria, wherein the information source streams second audio data and second corresponding metadata indicative of the second audio data in response to the control signal (*Figure 18 shows that in step 1820 and 1821, the process go back to step 1808 in which a new recording broadcast by music broadcaster is received. The process will carry out the steps of determine records matching listener's criteria over again*), wherein the second audio data is different that the first audio data (*Figure 4 illustrates the information contained in an exemplary playlist 218. As shown, playlist 218 contains a list of*

sound recording identifies. Each sound recording identifier uniquely

identifies a sound recording, [Column 12, Lines 1-4]);

Addington discloses:

storing an arrived content as stored content while an

associated metadata associated with the arrived content is still

being analyzed, or while awaiting arrival of the associated metadata

(*if the pre-authored metadata is sent during or after the segment*

broadcast has started and the segment is being cached in a live

spool 210e at the headend, the segment is packaged from the live

spool 210e and sent to the personal video exchange server 210c,

[0034]), and

discarding the stored content if the associated metadata

indicates that the useful information of the stored content does not

satisfy the predefined criteria (*the asset provider 10 may provide*

stream metadata that modifies this first-in-first-out algorithm of the

live spool 210e. For example, an asset provider 10 can send an

instruction to the live spool 210e to save a portion of a broadcast

stream in the live spool 210e for a specified period of time. Thus,

the saved portion of the broadcast stream will not be deleted by the

live spool 210e when new content arrives, [0034]).

It would have been obvious to an ordinary person skilled in the art

at the time of the invention was made to incorporate the teachings of

Addington with the teachings of Rosenberg for the purpose of facilitating a

connection between the sever and the subscriber for distributing the personal video asset from the server to the subscriber ([Abstract] of Addington).

Regarding **claim 20**, Rosenberg further discloses presenting a message when the available information sources have been searched without finding metadata that matches the user specified criteria (*The server 280 uses this information to create an update message. Preferably, in creating the update message, server 280 compares a list of "new" sound recordings (a "new" sound recording in one that was loaded on the server on or after the date when the wanted list was last updated) to the received profile information to determine whether any of the "new" sound recordings match the received profile information (step 2304). After performing the comparison, the server transmits one or more update messages to device 202 depending on whether any of the new sound recordings fit the channel profile*, [Column 27, Lines 26-38]).

6.   **Claims 2-4**, and **9-10**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (*Pat. No. US 7,321,923, filed on March 18, 2002; herein after Rosenberg*) in view of Addington (*Pub. No. US 2003/0028893, filed on August 1, 2002*), and further in view of Anderson (*Pat. No. US 6,427,165, filed on November 18, 1998*).

Regarding **claim 2**, Rosenberg, as modified by Addington, does not

disclose generating and transmitting acts are carried out for as long as the

at least one predefined criterion is not satisfied.

Anderson discloses a determination is made whether an

information source, a node on the network, satisfy the search criterion by

containing the desired information, also known as 'hit'. If no information

source is found, the network continues to be searched until a

predetermined condition is met, e.g., a time-out period has passed or until

a site containing the desired information is found ([Column 4, Lines 32-

39]).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention to incorporate the teachings of Anderson with

the teachings of Rosenberg, as modified by Addington, for the purpose of

searching the network for the information based upon a predetermined

criterion and locating the information on a node of the network where the

information is stored ([Column 1, Line 65 → Column 2, Line 6] of

Anderson).

Regarding **claims 3**, and **9**, Anderson further discloses the abort

criterion being defined as failure to receive metadata from the information

source selected at the time within a predefined period of time (*If no

information source is found, the network continues to be searched until a

time-out period has passed*, [Column 4, Lines 32-39]).

Regarding **claims 4**, and **10**, Anderson further discloses selecting another information source other than the information source that was selected when the abort criterion is met (*If the connection rate has such a low value that the download time for a given size of information file is too great, then time will not be wasted in attempting to download the information and an alternative node containing the desired information may be located*, [Column 5, Lines 4-11]).

7.   **Claims 5**, and **11**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (*Pat. No. US 7,321,923, filed on March 18, 2002; herein after Rosenberg*) in view of Addington (*Pub. No. US 2003/0028893, filed on August 1, 2002*), further in view of Anderson (*Pat. No. US 6,427,165, filed on November 18, 1998*), and further in view of McGarvey (*Pat. No. US 5,777,989, published on July 7, 1998*).

Regarding **claims 5**, and **11**, Rosenberg, as modified by Addington and Anderson, does not disclose after the last available information source has been selected and an abortion criterion was met, discontinuing or suspending the searching for a predefined period of time, and then continuing with selection of an available information source.

McGarvey disclose in Figure 1 a query is sent to DNS 115 and to DNS 116. The process then waits for a response to be received from any of the name servers queried or for their timeout intervals to elapse as indicated at step 320. Suppose a timeout occurs without a response

having arrived from any of the name servers. If the retry limit has not been reached in step 325, then the query is retried several times, in case the original query packet was lost in transmission. If the retry limit has been reached in step 325 without a response, a check is made for alternate name servers for each of the domains that failed to respond as indicated in step 330. If such alternate servers exist, they are sent copies of the original query in step 315 ([Column 5, Lines 9-21]).

It would have been obvious to a person with ordinary skills in the art at the time of the invention to incorporate the teachings of McGarvey with the teachings of Rosenberg, as modified by Addington and Anderson, for the purpose of allowing any host to be a member of multiple domains, each domain having a primary domain name server and any number of alternate name servers, and allowing the name resolution for this host to span the multiple domains without requiring significant modification to the existing search logic ([Column 4, Line 64 → Column 5, Line 2] of McGarvey).

8.   **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al. (*Pat. No. US 7,321,923, filed on March 18, 2002; herein after Rosenberg*) in view of Addington (*Pub. No. US 2003/0028893, filed on August 1, 2002*), and further in view of Ueda et al. (*Pub. No. US 2002/0003840; published on January 10, 2002; hereinafter Ueda*).

Regarding **claim 8**, Rosenberg, as modified by Addington, does not

disclose the abort condition is defined as repeated reception of the same

metadata from the same information source and in that, if this abort

criterion is met, the analysis of the metadata received from the selected

information source is terminated.

Ueda discloses the repetition terminating condition may be a

compound condition, such as error-free decoding or a limit number of

repetitions or reception of an embedded stream header ([0075] and Figure

1).

It would have been obvious to a person with ordinary skills in the art

at the time of the invention to incorporate the teachings of Ueda with the

teachings of Rosenberg, as modified by Addington, for the purpose of

analyzing the basis of the stream header to detect for errors in the

decoding process ([0014] of Ueda).

Conclusion

9.   These following prior arts made of record and not relied upon are

considered pertinent to applicant's disclosure:

Meyer et al. (Pub. No. US 2001/0031066) teaches connected audio

and other media objects.

Eyal (Pub. No. US 2003/0018799) teaches system and method for

media search and playback.

The Examiner requests, in response to this Office action, support(s) must be shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line no(s) in the specification and/or drawing figure(s). This will assist the Examiner in prosecuting the application.

When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Hoang whose telephone number is (571) 270-1752. The Examiner can normally be reached on Monday - Friday (7:30 AM – 4:00 PM).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christian Chace can be reached on (571) 272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private

PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T Hoang/
Examiner, Art Unit 2165
June 17, 2008

/S. P./

Primary Examiner, Art Unit 2164

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165